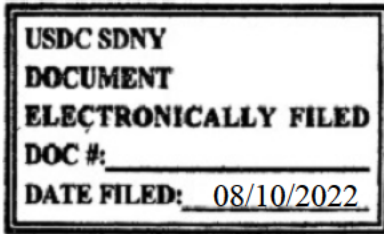


MORRISON TENENBAUM



MORRISON-TENENBAUM PLLC, ATTORNEYS-AT-LAW M-T-LAW.COM
87 WALKER STREET 2ND FLOOR NEW YORK NY 10013
PHONE 212.620.0938 FAX 646.998.1972

August 10, 2022

VIA ECF

Honorable Barbara C. Moses
United States District Court, Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Calel, et al. v. Site 25 Restaurant Concepts LLC, et al
No. 21-cv-08692 (VEC) (BCM), (S.D.N.Y.)

Dear Judge Moses:

We are counsel for the defendants Site 25 Restaurant Concepts LLC d/b/a Wei West (“Site 25”) and Alan Phillips. We write jointly with the attorney for Plaintiffs to request an extension of the discovery deadline, and to advise that Plaintiffs and Defendants have consented to the withdrawal of Plaintiffs’ motion for conditional collective action certification, without prejudice to renewal.

The reason for both the withdrawal of the motion and the request for a discovery deadline extension is that the parties have a mediation scheduled for August 23, 2022, with Theo Cheng, Esq. and intend to devote their resources to working in good faith to settle this action at (or before) the mediation. The attorneys have conferred to attempt to schedule depositions to be completed by the existing discovery deadline of September 12, 2022 in the event that mediation is not successful. But the parties’ and attorneys’ personal and professional schedules will make it exceptionally difficult, if not impossible, to complete depositions by that date. The parties respectfully request an extension of the discovery deadline to October 28, 2022.

The parties previously requested a similar extension of discovery, which the Court denied. (Dkt. No. 58) We respectfully request that the Court consider granting the extension now in light of the parties' agreement to withdraw Plaintiffs' conditional certification of collective action motion without prejudice to renewal as indicated in this joint letter, and the parties' unsuccessful efforts to schedule depositions to be completed by the existing September 12 discovery deadline.

We thank Your Honor for your attention to this matter.

Respectfully submitted,

/s/ Joshua S. Androphy

Joshua S. Androphy, Esq.

All counsel (VIA ECF)

Application GRANTED. The fact discovery deadline is hereby EXTENDED to **October 28, 2022**, and plaintiffs' motion for conditional collective certification (Dkt. 25), as supplemented (Dkt. 54), is hereby deemed WITHDRAWN without prejudice to renewal. Defendant need not respond to plaintiffs' supplemental filing in support of that motion at this time. (*See* Dkts. 55, 58.) The Clerk of Court is respectfully directed to close the motions at Dkts. 25 and 54. SO ORDERED.



Barbara Moses
United States Magistrate Judge
August 10, 2022